PB# 88-49

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DISCUSSION: DIEMER (88-49)

Mr. Edsall: Diemer, this is a subdivision off Mecca Drive, Mr. Ed Biagini appeared before the Board. It was the lot that had the house under construction and they came in for the application for subdivision. Now, although Vic Buckstat (phonetic) and Daniel P. Yanosh were doing that application, the Planning Board has now received a new plan from a Mr. Zimmerman and it is now, now it is a three lot subdivision and it is a different professional and again it is under the name Diemer. What I was going to request that the Board do since we have a whole new plan to review and we have a new configuration, is to consider denying the previous application so we can direct them to fill out a new application for the three lot subdivision that is different from the two lot subdivision that they gave us a while ago.

Mr. McCarville: I make a motion that we approve the Diemer subdivision number 88-49.

Mr. Jones: I will second that motion.

Mr. Rones: I suggest that you have a brief discussion on this just to outline your reasons for denying the application.

Mr. Schiefer: The original is for two and now we have three.

Mr. Edsall: Since it is the same property, would it be justifiable to say that we have a new configuration that we feel supersedes what was previously before the Board.

Mr. Rones: Yes, it is just important when you are denying these application to set your reasons on the record.

ROLL CALL:

Mr.	McCarville	No
Mr.	VanLeeuwen .	No
Mr.	Soukup	No
Mr.	Jones	No
Mr.	Lander	No
Mr.	Schiefer	No

Mr. Edsall: Can we be authorized to send them a letter to have them send a new application, new EAF and all.

Mr. Schiefer: Yes.

CHRONOLOGICAL JOB STATUS REFORT

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

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88-49	28795	02 /05/89	TIME	MJE	MC	DIEMER	60.00	0.40	24.00			
88-49	29833	02/07/89	TIME	NJE	CL	DEIMER	19.00	0.50	9.50			
88-49	28774	02/09/89	TIME	MJE	MC	DIEMER-MECCA	60.00	0.50	30.00			
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GRAND TOTAL 117.50

5/5/89 Homes

Luburban CK# 2334

E 117:50

2-8-89

DIEMER - SUBDIVISION (88-49) MECCA DRIVE

Mr. Edward Biagini came before the Board representing this proposal.

Mr. Biagini: This is a two lot minor subdivision on the southwest side of Mecca Drive. It is serviced by sewer.

Mr. Schiefer: Let's see what the engineer's comments are. The proposed road, is that going to be a town road.

Mr. Biagini: Yes, that is not part of the subdivision. We have a major subdivision pending back here.

Mr. VanLeeuwen: How many years ago did you get the other minor subdivision down on the bottom area. How many years ago was that?

Mr. Biagini: 1986, I believe.

Mr. Schiefer: When in '86.

Mr. Biagini: This is April 6th, 1987.

Mr. Schiefer: It is illegal. You have to wait three years. I don't know if you have been reading what is happening in the Town of Newburgh, there has been alot of rejection to a subdivision within a period of less than three years, come back and do another subdivision.

Mr. Biagini: That is the same person, correct.

Mr. Schiefer: Same person, same family.

Mr. Biagini: Let me give you a little background on this. This was the original three lot was John Crisenzo (phonetic). I sold this lot #3 to people by the name of Diemer and, basically what I sold them was a house on a half acre in order to keep the remainder of the land from being unencumbered by their mortgage, we drew two deeds which I have over here, the second deed was for the remaining pacel of land. This line is actually not here yet. The Orange County Clerk's Office or the Orange County Tax Department picked up the two deeds. If you look it up on the tax map, it will show as two parcels which it is really not. That is the reason I am here subdividing it and it is being actually subdivided by Suburban Homes which is a new owner. It is not the same owner that subdivided the three lots back in 1987.

Mr. Schiefer: Mike, did you have some comments on this before.

Mr. Soukup: Mark, on item 2, you say the plan appears to comply with the minor requirements of R4 zone. Does lot 2 have adequate frontage?

Mr. Edsall: Minimum is 60 foot and first off to step back a minute, they are indicating proposed road. I have to assume that this is in fact a correct statement that they intend to propose a road so you would not know that by looking at the map. We just heard that

tonight. The map indicates we are proposing a road. If they are not proposing a road, I'd suggest that they not allow this to be on the map. You shouldn't show a proposed road and in fact, it is proposed someplace else or by somebody else and even if that road doesn't go in, they have 64.44 feet so they would just meet the minimum requirements but I do take objection to the proposed road being shown when we were told tonight that it is not being proposed.

Mr. Biagini: It is being proposed.

Mr. Edsall: But, not as part of this subdivision and you are showing on a subdivision plan that you are hoping to be filed so I don't think it is appropriate to show it unless it is part of the subdivision.

Mr. Biagini: I have to build a road eventually anyway.

Mr. VanLeeuwen: Will you build a road almost up to the cul-de-sac?

Mr. Biagini: Sure, yes.

Mr. Schiefer: And, then the word proposed should come out of there. Mark, would it be better if he takes the word proposed out.

Mr. Edsall: As long as he is proposing it as part of this plan, I have no objection. If it is not going to be part of this plan, no sense showing it.

Mr. Schiefer: His first answer was part of the next subdivision.

Mr. VanLeeuwen: If he is willing to put it up to the end of the property line.

Mr. Schiefer: I understand, any other comments. Is this an existing or proposed easement?

Mr. Biagini: That is an existing.

Mr. VanLeeuwen: What I would suggest, Ed, I will give you a copy of the reviews.

Mr. Soukup: Is this stream the outlet from Beaver Dam?

Mr. Biagini: It feeds Beaver Dam.

Mr. Soukup: I was curious about comment #7 about elevations. I think it would be a very good idea to show existing and proposed house elevations with respect to the drainage easement so we know there is no problem of future flood damage.

Mr. Schiefer: Mike, did you look at item 7, the elevation, do either one of you have comments, have any comments on that.

Mr. Babcock: Yes. The, well, actually, my problem is that right now all the records, all the tax maps and everything shows that this is two lots. There is an existing house on lot 1, I assume that is lot 1, and there is a house under construction on lot 2. If this is not a lot, that is not subdivided, we have two houses on one lot right now.

Mr. VanLeeuwen: Is the other house built already?

Mr. Biagini: One is lived in since 1987. That is the existing house and the other house is under construction. There is nobody in it.

Mr. Schiefer: A proposed house is under construction. You knew you didn't have a subdivision here.

Mr. Biagini: I submitted this subdivision plan before I came in for a building permit because the Diemer's were supposed to do this. They were supposed to subdivide it and the land would revert to Suburban Homes. When I split up with my brother, I got deeds on various parcels. I have 40 some odd parcels. I had a building lot, I came in, it showed as a building lot and we applied for a permit on it.

Mr. Schiefer: Did you issue a permit on that, the second house.

Mr. Babcock: Yes, we also issued a stop work order when we saw this plan two days ago.

Mr. Soukup: Is Diemer the owner of record of the entire parcel, both lots.

Mr. Biagini: Yes.

Mr. Soukup: Have they indicated you are authorized to proceed with the subdivision.

Mr. Biagini: Yes.

Mr. Schiefer: What it really looks like is we are trying to make legal something that has already happened. This is the reason you are in here.

Mr. Biagini: Basically, yes.

Mr. Babcock: As far as item #7 on this subdivision, that is in the back, it is approximately a 35 lot subdivision. This went, every lot that we went through item #7 as far as the flood elevations, I would assume that this lot 2 did not go through at that review only because there was already a house on it as lot 3 of the existing house.

Mr. Schiefer: What are you suggesting before we allow him to go ahead with the house that is underway now it should go through it.

Mr. Babcock: I'd have to talk to Dick McGoey to find out if this lot was part of the determination on the flood plain.

Mr. Edsall: Just flipping back in the records, just for the Board's understanding, the application has been submitted by the Diemer's and the proxy statement has authorized Daniel Yanosh, a licensed surveyor, to represent him.

Mr. Biagini: He couldn't be here. That is why I am here.

Mr. Edsall: You'd have to have someone authorize to have Mr. Diemer represent him here tonight.

Mr. Lander: How far along are you on the house?

Mr. Biagini: It is in the middle of framing.

Mr. VanLeeuwen: Mike put a stop order on it?

Mr. Biagini: Yes.

Mr. Schiefer: As I said, you discovered something done illegally and now they are trying to rectify that and what the engineer is pointing out and the building inspector, hey fine but make sure it is up to snuff before we go ahead of it.

Mr. VanLeeuwen: I gave him a copy of all the things required and I suggest we will discuss it at whatever meeting you put him on.

Mr. Schiefer: Do you have any other further questions because we are not going to act on this this evening.

Mr. Biagini: As far as the engineer's comments, Mr. Yanosh will be at the next meetings and he will have all of these items addressed.

Mr. Pagano: Just a thought that the house is just a frame right now.

Mr. Biagini: Yes.

Mr. Pagano: Mike, would you consider allowing him putting up a roof to protect his investment.

Mr. Schiefer: The last time he did that, it was occupied.

Mr. Biagini: I didn't do that.

Mr. Schiefer: No, I apologize. I am not talking about you.

Mr. Biagini: That was my brother.

Mr. Schiefer: We'd like to be helpful but we don't want to find the house occupied.

Mr. Babcock: I have been asked that before and I haven't made up my mind of what I should do. To be honest, I don't know whether I have

the right to let him put the roof on. I did have a minute with the town attorney this morning as I told Mr. Biagini, I'd like to talk to him again to see if I am in my rights. Right now, it doesn't meet any section of the town code. The town code says you can only have one dwelling per lot so I don't know whether I am at fault my issuing the building permit already although the records showed that it was a buildable lot.

Mr. Schiefer: If it is legal.

Mr. VanLeeuwen: I suggest that Mike and Ed Biagini get together with the town attorney and discuss that.

Mr. Schiefer: I called Mike this morning and he was just in discussing that issue with Tad at the time if it is okay with them, the Board certainly would have no objection if it is legal for you to take that kind of action to protect the man's investment but if you can't, you can't but you are going to have to get together anyway.

Mr. Edsall: Being that this will most likely take 30 days for the evaluation to be made on the drainage and other items, we should let the applicant know that it will likely be brought up at an up coming agenda to either take a positive or negative action because you are required to take action with 30 days. I suggest you have the applicant in with a letter waiving the--

Mr. Schiefer: Someone authorized to write it, a letter to us authorizing us an extension beyond the 30 days.

Mr. Biagini: Okay.

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PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

<u>William Diemer</u> deposes and says that he resides at <u>R.D. #1 Mecca Drive, Salisbury Mills, New York</u>
(Owner's Address)
in the County of <u>Orange</u>
and State of New York
and that he is the owner in fee of Section 58, Block 6, Lot 1.3
Situated in the town of New Windsor
which is the premises described in the foregoing application and
that he has authorized <u>Daniel P. Yanosh, L.S.</u>
to make the foregoing application as described therein.
Date: 7/29/88 William C. Diene (Owner's Signature)
(Witness' Signature)
LETA L. JAGIELSKI Notary Public - State of New York
Residing in Orange County Commission Expires March 30, 19&9 ARRIL

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SHORT ENVIRONMENTAL ASSESSMENT FORM Appendix B Part 617

l.ocatio	Title: Subdivision: Lands of William and Doreen Diemer on: Mecca Drive T/O New Windsor		
1 D Nu	mber:		
(a) In Info stu	OCTIONS: order to answer the questions in this short EAF it is assumed that the preparer will use cur ormation concerning the project and the likely impacts of the action. It is not expected that idies, research or other investigations will be undertaken. any question has been answered Yes, the project may have a significant effect and the full	at add itio	onal
As (c) ال ز (d) ii ;	sessment Form is necessary. Maybe or Unknown answers should be considered as Yes and all questions have been answered No it is likely that this project will not have a significant additional space is needed to answer the questions, please use the back of the sheet or prochaments as required.	wers. effect.	
	ENVIRONMENTAL ASSESSMENT		
1	Will project result in a large physical change to the project site or physically after more than 10	YES	NO
	acres of land? Will there be a major change to any unique or unusual land form found on the site?		X
· ·	Will project alter or have a large effect on an existing body of water? Will project have an adverse impact on groundwater quality? Will project significantly effect drainage flow on adjacent sites?		X O X O
6.	Will project affect any threatened or endangered plant or animal species? Will project result in a major adverse effect on air quality?		K O.
1	Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?		X
1	Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency? Will project have a major adverse effect on existing or future recreational opportunities?		(X) (X)
11.	Will project result in major traffic problems or cause a major effect to existing transportation systems?		X)
1	Is project non-farm related and located within a certified agricultural district? Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?		K
1	Will project have any adverse impact on public health or safety? Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood?		K O
16.	is there public controversy concerning any potential impact of the project?		(2)
<u> </u>	FOR AGENCY USE ONLY		
Prep	arer's Signature: Date: 7/	122/8	38

TOWN OF NEW WINDSOR PLANNING BOARD

MINOR SUBDIVISION CHECKLIST

1.			application Form.
-	1.	X	Environmental Assessment Statement
	*2.	X	Proxy Statement
	3.	X	Application Fees
	4.	X	Completed Checklist
II.	Sub		necklist items shall be incorporated on the prior to consideration of being placed on ard Agenda.
	1.	X	Name and address of Applicant.
	* 2.	X	Name and address of Owner.
	3.	X	Subdivision name and location.
	4.	X	Tax Map Data (Section-Block-Lot).
	5.	X	Location Map at a scale of l" = 2,000 ft.
	6.	X	Zoning table showing what is required in the particular zone and what applicant is proposing.
	7.	N/A	Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
	8.	X	Date of plat preparation and/or date of any plat revisions.
	9.	X	Scale the plat is drawn to and North Arrow.
	10.	_X	Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
	11.	X	Surveyor's certification.
	12.	<u> </u>	Surveyor's seal and signature.
•	Tf s	nnlicable	

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Page 1 of 3

13.	X	Name of adjoining owners.
*14.	N/A	Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
*15.	N/A	Flood land boundaries.
16.	N/A	A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17.	X	Final metes and bounds.
18.	X	Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical centerline of the street.
19.	X	Include existing or proposed easements.
20.	X	Right-of-Way widths.
21.	N/A	Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22.		Lot area (in square feet for each lot less than 2 acres).
23.	X	Number the lots including residual lot.
24.	X	Show any existing waterways.
*25.	N/A	A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26.		Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27.	X	Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including locations, size and depths).
28.	X	Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

Page 2 of 3

If applicable.

29N/A	Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.					
30. <u>N/A</u>	Provide "septic" system design notes as required by the Town of New Windsor.					
31. <u>X</u>	Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.					
32. <u>X</u>	Indicate percentage and direction of grade.					
33. <u>X</u>	Indicate any reference to previous, i.e., file map date, file map number and previous lot number.					
34. <u>X</u>	Provide 4" wide x 2" high box in area of title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.					
35. <u>N/A</u>	<pre>Indicate location of street or area lighting (if required).</pre>					
This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.						
PREPARER'S ACKNOWLEDGEMENT:						
The plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.						
	By: Licensed Professional					

INTER-OFFICE CORRESPONDENCE

TO:

Town Planning Board

FROM:

Town Fire Inspector

DATE:

23 Canant 1988

SUBJECT:

William : Doven Deemer Suldivision

Planning Board Reference Number: 1/1 sugglish

Fire Prevention Reference Number: 58-61

A review of the above referenced subject site plan/subdivision was conducted on 23 funct 19 FF.

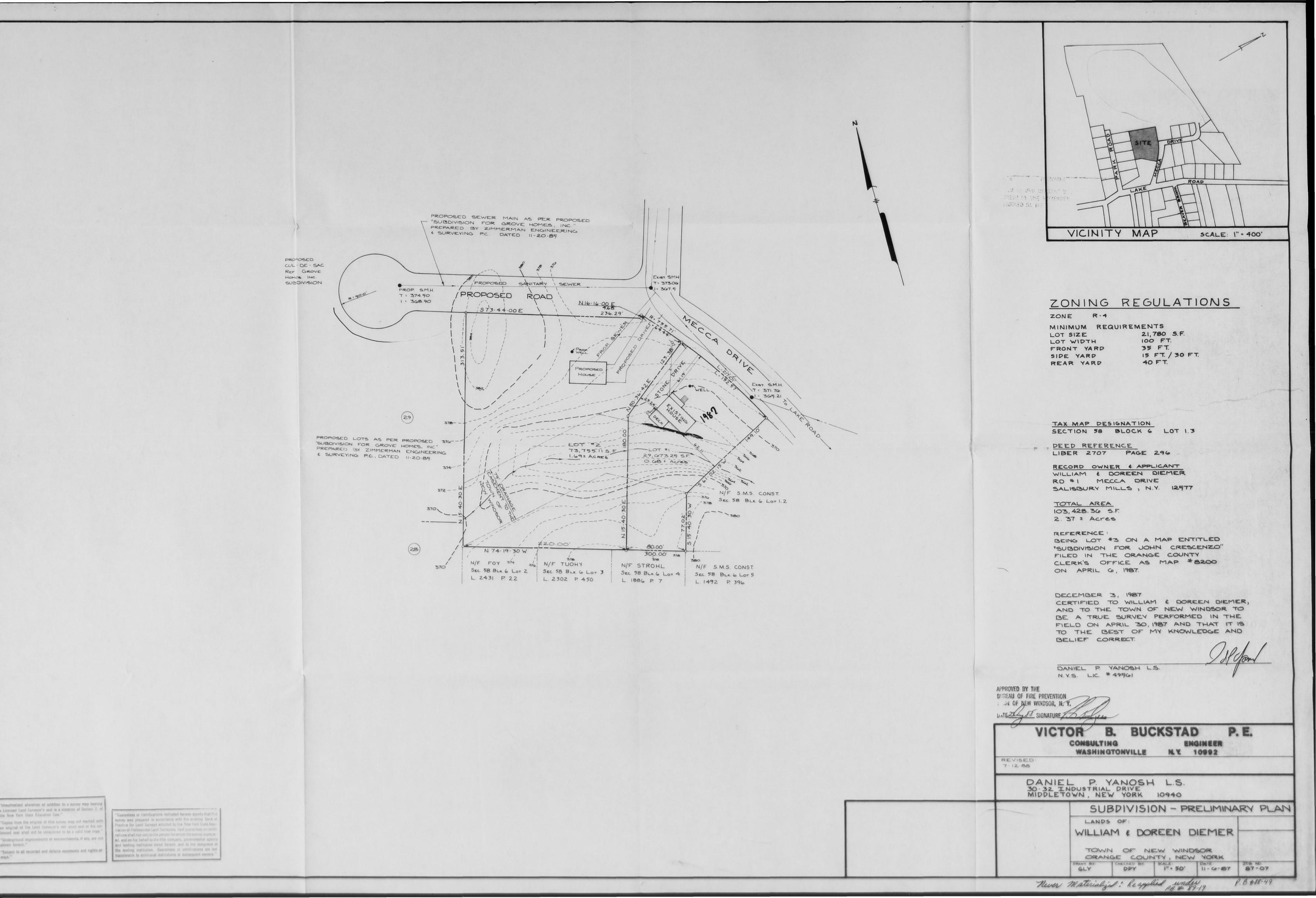
This site plan/subdivision is found acceptable.

Robert F. Rodgers; CCA Fire Inspector

88-49 Dienes

ENGINEER, FIRE INSPECTOR, REVIEW FORM: WATER, SEWER, The maps and plans for the Site Approval____ on submitted by Subdivision___ wind Buckelad for the building or subdivision of reviewed by me and is approved_ If disapproved, please list reason. must Provide All proper permits and Road Opening. each house is not have vivap around Sable HIGHWAY SUPERINTENDENT WATER SUPERINTENDENT

UNITEDING INSPECTOR, P.B. ENGINEER, I WATER, SEWER, HIGHWAY REVIEW FOR	FIRE INSPECTOR, D.O.T. O.C.H. O.C.F
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Unauthorized alteration or addition to a survey map bearing

a Licensed Land Surveyor's seal is a violation of Section 2,

the New York State Education Law."